



MIRIAM TAUBER LAW

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SO ORDERED
FEB 14 2020
The status conference
scheduled for March 10, 2020
is adjourned to March 24, 2020
at 9:45 a.m.

George B. Daniels
HON. GEORGE B. DANIELS

Via ECF

Hon. George B. Daniels, U.S.D.C. (S.D.N.Y.)

Re: *Microbot Med., Inc. v. Alliance Inv. Mgmt., et. al.*, No. 1:19-cv-3782-GBD

**Pre-Trial Conference Scheduling Confusion &
Request for Revised Scheduling Order (Relating to Additional Defendant)**

Your Honor:

I am one of Plaintiff's attorneys.

I write on behalf of all parties to apologize to the Court (and to the court reporter) for the parties' absence at the Final Pre-Trial Conference, which we understand the Court was prepared to hold yesterday, February 11, 2020.

The final Pre-Trial conference was originally set for February 11, 2020 (yesterday), pursuant to the initial Scheduling Order entered on July 31, 2019 (Dkt #19). We respectfully note that this initial Scheduling Order was revised on October 7, 2019 (see Dkt #32). The revised Order extended all case events by 30 days—including the final Pre-Trial Conference date, which was postponed until March 11, 2020.

By way of explanation, counsel for the parties did not appear before the Court yesterday because we were following the revised Scheduling Order. We nonetheless deeply regret the inconvenience to the Court caused by the scheduling misunderstanding.

The parties also respectfully suggest that further revisions to the outstanding discovery deadlines set by the current Scheduling Order (as entered at Dkt #32) are needed, in view of Plaintiff's First Amended Complaint (FAC) naming an additional Defendant, Joseph Mona (Dkt #44) and Mona's assertion of a Counterclaim in his Answer to the FAC. (Dkt #59).

We note that discovery has been stayed as to the original Defendant, Alliance Investment Management, Ltd. ("Alliance"), pending resolution of the outstanding Motions for Summary Judgment and Sanctions filed by the parties (Dkts #45, #54, #55, #60; see Order staying discovery, at Dkt #53). For the avoidance of doubt, the parties look forward

to the Court's decision on these pending Motions, and do not presently seek to lift the discovery stay as to Defendant Alliance.

The original and revised schedule jointly proposed by the parties is as follows:

	<u>Outstanding Deadline</u>	<u>Proposed Deadline</u>
Answer to Counterclaim	February 25, 2020 (per FR.C.P 12(a) (1)(B))	March 4, 2020
Discovery Cutoff (as to Defendant Mona only)	Not yet set	May 20, 2020
Dispositive Motions (Mona claims only)	Not yet set	June 8, 2020
Pre-Trial Order	March 4, 2020 (per Dkt #32) (as to Defendant Alliance only)	June 29, 2020 (as to all parties/claims)
Trial Ready Date	April 3, 2020 (Dkt #32) (Alliance claims only)	July 13, 2020 (all parties/claims)

The parties suggest a **Status Conference** on: **March 25, 2020** (or as otherwise scheduled at the Court's convenience).

Once again, we sincerely apologize for yesterday's misunderstanding regarding the scheduled Pre-Trial Conference. All parties and their counsel greatly appreciate the Court's time and attention to this case.

Very truly yours,

s/ Miriam Tauber
Miriam Tauber

Attorney for Plaintiff Microbot Medical, Inc.

cc: all counsel (via ECF)